United Nations A/58/314

General Assembly

Distr.: General
25 August 2003

Original: English

Fifty-eighth session
Item 44 of the provisional agenda*

Return or restitution of cultural property to the countries of origin

Note by the Secretary-General**

1. The question of restitution of works of art to countries that are victims of appropriation was first considered by the General Assembly at its twenty-seventh session, in 1972 (see resolution 3026 A (XXVII)). The Assembly subsequently considered the question at its twenty-eighth, thirtieth to thirty-sixth, thirty-eighth, fortieth, forty-second, forty-fourth, forty-sixth, forty-eighth, fiftieth, fifty-second, fifty-fourth and fifty-sixth sessions (resolutions 31/48 (XXVIII), 3187 (XXVIII), 3391 (XXX), 31/40, 32/18, 33/50, 34/64, 35/127, 35/128, 36/64, 38/34, 40/19, 42/7, 44/18, 46/10, 48/15, 50/56, 52/24, 54/190 and 56/97). By its resolution 56/97 of 14 December 2001, the Assembly, inter alia, requested the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), to submit to it, at its fifty-eighth session, a report on the implementation of the resolution.

2. The attached report, transmitted to the Secretary-General by the Director-General of UNESCO, is submitted in compliance with the aforementioned request.

* A/58/150.

** The document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that, if a report is submitted late, the reason should be included in a footnote to the document.

03-47888 (E) 240903

Report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the action taken by the organization on the return and restitution of cultural property to its countries of origin

1. Since the submission of the previous report by the Director-General (see A/56/413), the United Nations Educational, Scientific and Cultural Organization (UNESCO) has continued its work towards the return or restitution of cultural property to its countries of origin. It has promoted the legal and moral arguments favouring such restitution, increased public awareness of the issue, and assisted in specific cases as appropriate. In particular, efforts have been made to implement the recommendations adopted by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (hereafter "the Committee") at its eleventh session, held in Cambodia from 6 to 9 March 2001. The present report summarizes those efforts, as well as the work of the Committee at its recent twelfth session, held in Paris from 25 to 28 March 2003. The recommendations adopted by the Committee are attached to the present report (annex III).

2. For the twelfth session of the Committee, 21 of the 22 Committee members were represented. Fifty-two States members of UNESCO that are not members of the Committee were also represented as observers, as were two permanent observer missions to the organization, nine intergovernmental organizations and one non-governmental organization.

I. Presentation of work undertaken by the secretariat

3. The secretariat reported to the Committee at its twelfth session on its efforts in the areas of restitution and the fight against the illicit traffic of cultural property. A review was made of cases pending before the Committee: (i) the request by Greece for the return of the Parthenon Marbles from the United Kingdom of Great Britain and Northern Ireland, brought before the Committee in 1984; and (ii) the request by Turkey for the return of the Boguskoy Sphinx from Germany, brought before the Committee in 1986.

4. Pursuant to Recommendation No. 1 adopted at the eleventh session of the Committee, the Director-General renewed efforts to hold a meeting between Greece and the United Kingdom using a pre-specified and agreed-upon agenda. At the twelfth session, the Greek Delegate and the British observer presented the Committee with their respective positions. The former emphasized the importance of continuing and accelerating bilateral negotiations and indicated that Greece's proposal was to organize in Athens, with the kind cooperation of the British Museum and coinciding with the 2004 Olympic Games, a grand exhibition of the Marbles in their entirety, gathered for the first time in the New Acropolis Museum. The United Kingdom noted Greece's proposal for the reunification of the Marbles on a long-term or permanent loan basis and concluded that since the British Museum was independent of the Government, it was up to the Trustees of the British Museum to decide on the matter. While stating that the British Museum was the most suitable place in which to house the Marbles, officials of the British Museum were considering other items that might be loaned to Greece during the Olympic Games.

Greece and the United Kingdom jointly presented to the Committee a draft recommendation on the Parthenon Marbles that the Committee adopted (Recommendation No. 1).

5. The Boguskoy Sphinx is located in the Berlin Museum. In Recommendation No. 2 of the eleventh session of the Committee, Germany and Turkey were invited to continue meeting with a view to bringing this issue to a mutually acceptable solution and the Director-General was invited to use his good offices to assist. On 19 November 2002, a bilateral meeting was held between Turkish and German authorities in Berlin with little result. On 3 February 2003, the Assistant Director-General for Culture of UNESCO met with the Turkish and German Permanent Delegates. Though bilateral negotiations continue, no definitive result has been achieved so far.

6. Turkey informed the Committee that it had provided Germany with substantial documentation justifying the return. The German Observer replied that to his knowledge, the documentation mentioned did not establish that the Sphinx was remaining in Germany on illegal grounds. Germany had also offered to provide Turkey with a replica of the Sphinx and Turkey had responded that a replica would not satisfy its claim. Turkey and Germany jointly presented to the Committee a draft recommendation that the Committee adopted (Recommendation No. 2).

7. With regard to the campaign against the illicit trafficking of cultural property, the secretariat reported on new State ratification of the 1970 UNESCO Convention and the 1995 International Institute for the Unification of Private Law (UNIDROIT) Convention. Since the eleventh session of the Committee (March 2001), nine States had joined the 1970 UNESCO Convention (namely Albania, Barbados, Bhutan, Denmark, Japan, Morocco, Rwanda, Sweden and the United Kingdom), bringing the total number of States parties to 100. Switzerland, an important art market State, had adopted the necessary legislation permitting it to become party to the 1970 Convention soon. The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, adopted in Rome on 24 June 1995, had five new States parties (Argentina, Cambodia, Norway, Portugal and Spain), bringing the total number of States parties to 18.

Iraq

8. Pursuant to Recommendation No. 6 of the eleventh session of the Committee and in view of the situation in Iraq at the time of the twelfth session, the secretariat gave a detailed presentation on the latest efforts made to protect Iraq's cultural heritage. Such efforts had included, inter alia, the establishment of a task force by the Director-General to coordinate UNESCO strategy for assisting Iraq. The existing and proposed World Heritage Sites in Iraq were also presented.

9. Among its consequences, the Iraqi conflict had increased the looting and illicit excavations and trafficking of cultural property already witnessed since the 1991 Gulf War. The secretariat contacted the United States Secretary of State and Department of State, the United Kingdom, the countries neighbouring Iraq, INTERPOL, the World Customs Organization, the International Council of Museums (ICOM) and the International Confederation of Art and Antiques Dealer Associations and had requested them to take all the necessary measures against the illicit traffic of cultural property.

10. After the twelfth session of the Committee a number of activities relevant to the return of cultural property to Iraq took place. Following growing international concern and contacts between the Director-General of UNESCO and the Secretary-General of the United Nations, on 22 May 2003, the Security Council adopted its resolution 1483 (2003) which, among other things, provides for the obligation of the States Members of the United Nations to take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance illegally removed from the Iraq National Museum, the National Library and other locations in Iraq since the adoption of Council resolution 661 (1990) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed. Resolution 1483 (2003) also specifically calls upon UNESCO, INTERPOL and other international organizations, as appropriate, to assist in the implementation of that obligation.

11. On 17 April 2003, the Director-General of the United Nations Educational, Scientific and Cultural Organization convened the first meeting of high-level international experts on the cultural heritage of Iraq. The meeting had the following three objectives: (i) to coordinate the international scientific network of experts on Iraqi cultural heritage; (ii) to formulate guidelines for a consolidated strategy in the field of post-conflict intervention and rehabilitation of the cultural heritage of Iraq; and (iii) to devise an emergency safeguarding plan. On 29 April 2003, a second meeting of experts was convened in London by UNESCO and the British Museum. A number of recommendations were announced to the press following those meetings. On 16 July the Director-General convened a meeting to coordinate international assistance to protect Iraqi cultural heritage, which included the participation of Muayyad Said Al Damarji, Senior Advisor for Cultural Heritage within the Coalition Provisional Authority. Finally, a third UNESCO Experts Meeting was organized in Tokyo to define the terms of UNESCO assistance in the rehabilitation of the Iraqi National Museum in Baghdad and with regard to archaeological sites, historic buildings, libraries and archives. The setting-up of an International Coordination Committee was recommended.

12. Two high-level expert missions (15-20 May and 28 June-5 July 2003) were led to Iraq by Mounir Bouchenaki, Assistant Director-General for Culture, to assess the situation and begin the rehabilitation of Iraqi cultural institutions.

13. UNESCO is working closely with INTERPOL and the World Customs Organization. A database is being compiled with INTERPOL under the scientific coordination of the United Nations Educational, Scientific and Cultural Organization that will compile all relevant information on stolen Iraqi cultural property. That will enable customs and police authorities, as well as art dealers and other concerned parties, to check whether objects they suspect have been looted from Iraq are among those listed in the database as missing.

Inventories/Object-ID

14. The secretariat informed the Committee of its efforts to encourage actively the making of inventories, and, in particular, to promote strongly the Object-ID standard to assist in the rapid identification of objects that had been stolen or illicitly exported or imported. In particular, UNESCO had organized two training workshops

in Object-ID in 2003: one at the regional level in Jordan and another at the national level in Eritrea. Presentations had been made by representatives of INTERPOL and the Italian Carabinieri detailing their work to combat illicit trafficking of cultural objects. Emphasis had been placed on the usefulness of Object-ID or other brief, precise descriptions of the objects, including a photograph. The members of the Committee noted that, as well as the need for strong and swift cooperation between cultural experts, police and customs departments to fight against illicit trafficking, particularly since the criminals involved conduct increasingly sophisticated operations. The importance of raising public awareness and promoting the International Code of Ethics for Dealers in Cultural Property was emphasized and the need for capacity-building, particularly through national and regional seminars and more specialized training workshops, was discussed (see Recommendation No. 4).

Afghanistan

15. The secretariat gave a detailed presentation to the Committee of UNESCO efforts to retrieve and restore Afghan cultural heritage, including the reconstruction of the Kabul National Museum and campaigns to raise public awareness about the trade of illicitly trafficked Afghan cultural heritage. Three agreements had been signed in 2001 with the Afghanistan Museum in Bubendorf, Switzerland, the Foundation of Cultural Heritage (Japan) and the Society for the Preservation of Afghanistan's Cultural Heritage, respectively, whereby Afghan cultural property was held and conserved in professional conditions outside Afghanistan, to be returned to Afghanistan when the Kabul Museum was completed and UNESCO determined that it was the appropriate time to repatriate the objects. An Internet web site presenting a database of missing cultural objects from Afghanistan was being prepared by UNESCO in cooperation with INTERPOL and the Musée Guimet (France).

16. Following comments from the representatives of ICOM and INTERPOL as well as from several members of the Committee, a thorough discussion ensued on UNESCO involvement in the recovery and restitution of cultural property of illicit provenance and offered for sale on the black market. The secretariat reiterated the organization's rejection of purchasing or acquiring those objects, even if proposed to UNESCO, on the grounds that it ran against the principles of the 1970 Convention and would in turn encourage more looting and drive further the market in illicitly obtained cultural property.

Legislation database

17. The secretariat indicated that it frequently received requests for current national cultural property legislation. The need for a web site that centralized that information to allow lawmakers, lawyers, customs officers, antiquities dealers and private individuals to consult the laws of a given State with regard to, among other things, import or export regulations for cultural property, was stressed. Members of the Committee and observers strongly supported that initiative and noted that, with the necessary assistance of member States, an electronic version of member States' legislation and import and export certificates, if any, should be made available on the UNESCO web site (Recommendation No. 5). A letter in response to that recommendation will soon be sent by the Director-General to the States members of UNESCO.

II. Fund of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation

18. In 1999 the UNESCO General Conference, at its thirtieth session, adopted a resolution inviting the Director-General to create this Fund, to be maintained by voluntary contributions. In May 2002 the Greek Government generously provided the first voluntary donation to the Fund, amounting to €29,342. The Fund is promoted through publications, the Internet and contacts with member States.

19. Draft "Operational Guidelines of the Fund of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation" and a "sample project document" were carefully examined, revised and adopted (see annexes I and II). The Committee also suggested that due consideration should be given to allow the Fund to receive contributions other than strictly voluntary ones, especially as regards emergency situations.

III. Principles Relating to Cultural Objects Displaced in Relation to the Second World War

20. A presentation was given by the secretariat on the elaboration, at the request of the Director-General, by a group of independent experts, of "Principles Relating to Cultural Objects Displaced in Relation to the Second World War". The Committee was asked to examine the Principles with a view to endorsing and presenting them to the General Conference. The Committee members and observers acknowledged the work that the report constituted, the high importance of its contents and the political and legal subject matter of the Principles. The Committee decided to take note of the Principles and to invite the Director-General to communicate the report and the Principles to all States members of UNESCO, inviting them to send their observations to the secretariat before the end of 2003, subsequently to be made available in a timely fashion to the Committee for its next session (Recommendation No. 7).

IV. Information kit on the Committee

21. The secretariat presented the new information kit, "Promote the Return or the Restitution of Cultural Property: Committee — Fund — UNESCO Conventions", in French and English, adding that the Spanish version would be available in the following months. The kit is a promotional and educational tool for the new Fund, the Committee and general issues related to the restitution of cultural property.

Annex I

Operational Guidelines of the Fund of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation

I. Financial contributions to the Fund

(a) The Fund is financed by voluntary contributions, either general or for specific activities, within the mandate and the objectives of the Committee.

(b) UNESCO member States, United Nations specialized agencies and intergovernmental organizations may contribute to the Fund. States Members of the United Nations not member States of UNESCO, public or private organizations and individuals may contribute subject to prior agreement of the Committee or, if so authorized, by its Chairperson.

(c) Contributions may also be made in the form of services (technical assistance or training) and in kind (equipment).

II. Criteria for submitting projects for funding

Projects must:

(a) Be related to requests by a UNESCO member State or associate member of UNESCO for the restitution or return of any cultural property which has a fundamental significance from the point of view of the spiritual values and cultural heritage of the people of such State and which has been lost as a result of colonial or foreign occupation or as a result of illicit appropriation (art. 3, para. 2, statutes), and

(b) Be in conformity with the objectives and principles of the statutes of the Committee, particularly with the mandate of the Committee set forth in article 4 of its statutes, and take into account the cultural identity, educational needs and the policies of the countries or regions concerned, and

(c) Increase self-reliance or strengthen national capacities for the prevention of illicit trafficking or facilitating the restitution of cultural property or exchanges of information on it.

III. Conditions for submitting projects for funding

(a) Projects must be submitted by the UNESCO member States' national authority responsible for relations with UNESCO, irrespective of whether the project concerns a public or private body, or by international governmental organizations.

(b) Pending the forthcoming session of the Committee, a project for emergency assistance may be submitted to the secretariat, and the Chairperson of the Committee is authorized to approve such project up to the maximum amount of 10,000 United States dollars or to refuse it. The Chairperson will report on the matter to the next session of the Committee.

IV. Priorities of the Fund in selecting projects

Priority is given to projects submitted by UNESCO member States:

(a) Aimed at the preparation and implementation of the return of cultural property to its countries of origin for those countries whose cultural heritage has been extremely dispersed. This may include, for example, transportation of objects and insurance costs during transportation, or arranging exhibition facilities; or

(b) Ensuring the establishment or improvement of museum systems or other institutions, especially in developing countries, for conservation purposes; public awareness campaigns; and the national and regional capacity for facilitating the restitution of cultural property.

V. Administration of the Fund

The Fund is administered by the Director-General of UNESCO, who makes available to the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation a secretariat and the necessary resources.

Annex II

A. Sample project document

A. Identification

1. Title
2. Registration number
3. Submitted by (name and address)
4. Fields of activity
5. Project phase
6. Scope (national, subregional, regional, interregional)
7. Estimated duration of Fund assistance
8. Total cost of project (from all financing sources)
9. Amount requested from Fund for current phase
10. Total amount requested from Fund (across all phases)
11. Implementing body

B. Presentation

1. Background and justification (origin of the project, objectives, information on the body submitting the project and reasons why assistance is required)
2. Immediate objectives
3. Long-term objectives
4. Work plan (including a detailed chronological schedule and description of all activities foreseen)
5. Institutional framework (organization and mechanisms involved in project execution)
6. Measures taken to ensure long-term continuance of project and approximate timetable for attainment of self-sufficiency

C. Additional information

1. General conditions, facilities, existing and forthcoming mechanisms to ensure the return of cultural property
2. Preparatory activities completed prior to submission of project
3. Contribution foreseen by the submitting agency during the project period (both financial and human resources)
4. Assistance sought other than from the Fund
5. Parameters and standards used by the submitting agency to assess project cost

D. Budget

1. Budget covering Fund contributions during the year in question (in United States dollars) (please specify according to staffing, equipment, training ...)
2. Budget covering the contribution of the submitting agency during the year in question (in United States dollars)

E. Technical comments of the secretariat

F. Report on activities completed

1. Project (title)
2. Registration number
3. Institution
4. Assistance approved by Fund
   (a) Session:
   (b) Session:

   Other sessions: (add in annex)
5. Implementation (use the following categories: staffing, training, equipment, materials, other)
   (a) Session:
   (b) Session:

   Other sessions: (add in annex)
6. Contributions from other sources
   (a) National (state type, amount: financial, personnel, training, materials, other)
   (b) Other (state type, amount: financial, personnel, training, materials, other)
7. Problems encountered
   (a) In meeting objectives
   (b) Financial
   (c) With respect to the Fund/UNESCO
   (d) Other
8. Results achieved
   (a) Qualitative
   (b) Quantitative
9. Suggested future action by
   (a) Institution or organization concerned
   (b) Government
   (c) Fund/Committee/UNESCO

(d) Other

(e) Other observations

The aim of these tools is to assist submitting agencies in preparing their projects. The idea is to help them attract funding through such standardized models.

B. Model for the presentation of projects

Immediate objectives

What are the objectives that the projects must have attained upon completion? How do these objectives contribute to furthering the long-term objectives? This section should be presented in narrative form with quantitative data being provided under the heading "Expected results".

Background and justification

A full explanation of the antecedents of this project, supplemented by a progress report in the case of an ongoing project, should be provided. Explain why the project needs and deserves to be granted Fund assistance. Avoid repeating what has already been said under the heading "Immediate objectives". (One or two pages)

Expected results

After an introductory paragraph, a list of the project results expected at the end of the implementation period should be provided. Figures should be provided wherever possible (number of persons trained, etc. ...).

Activities

List in chronological order all the actions scheduled to be carried out in light of the expected results indicated above. As much detail as is realistic should be provided.

Contributions

Write one paragraph giving a general description and then, as above, list the necessary contributions. If there is an element of cooperation between countries, indicate this. In preparing this section, it is advisable to keep in mind the final total budget.

Institutional framework and responsibilities

Give an overview of the institutions involved and their role. For example, in the case of a government project, name the ministry in charge.

Other related forms of international assistance

Here, list requested funding by other organizations. Indicate what are the chances that funding is assured and what it is envisaged to cover. If funding is already secured, please indicate this.

Budget

Please fill in the attached sheets following the model precisely.

Annexes

All relevant documentation on the history of the project should be annexed. Though concise, this should include all important resolutions, correspondence, etc., which facilitate the understanding of the project.

Annex III

Recommendations of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (twelfth session, Paris, 25-28 March 2003)

Recommendation No. 1

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Expressing its concern for the resolution of the issue of the Parthenon Marbles,

Acknowledging past UNESCO recommendations and resolutions regarding the return of the Parthenon Marbles to their country of origin and the efforts of the Director-General to promote bilateral dialogue between the parties with a view to resolving the issue,

1. *Takes note* that in late 2002 there were important meetings between the Greek and United Kingdom Prime Ministers, between the Greek and United Kingdom Ministers of Culture and between the Greek Minister of Culture (with the Director of the New Acropolis Museum) and the Chairman of the Trustees of the British Museum (with the Director of the British Museum);

2. *Takes note* of the additional Greek proposal in view of the Olympic Games 2004, to be held in Athens, and their particular significance for the solidarity and the cooperation between States for the preservation and the promotion of olympism and culture, concerning a long-term loan of the Parthenon Marbles and the possibility of the Marbles being exhibited in an annex within the New Acropolis Museum;

3. *Invites* the Director-General to assist in facilitating a meeting between the United Kingdom and Greece in 2003 to discuss the additional proposal;

4. *Invites* the Director-General to further assist in encouraging Greece and the United Kingdom to continue discussions on the issue of the Parthenon Marbles.

Recommendation No. 2

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling the request of Turkey for the Sphinx of Boguskoy, which is currently on display in the Berlin Museum,

Noting the legal and cultural arguments that have been made by both States concerned over a number of years,

Recalling the previous Recommendations No. 2 adopted by the Committee on this question at its sixth, tenth and eleventh sessions,

Aware of the continuing concern of Turkey for the resolution of the issue of the Sphinx,

Noting also that the 7,400 cuneiform tablets which were part of the original request of 1987 of Turkey to the German Democratic Republic were returned,

Expresses its hope that the pending request of Turkey with regard to the Sphinx will be solved through bilateral negotiations,

Takes note of the fact that bilateral negotiations took place on this issue on 19 November 2002 in Berlin, without reaching a solution,

1. *Invites* both Parties to continue comprehensive bilateral negotiations with a view to bringing this issue to a mutually acceptable solution; and

2. *Also invites* the Director-General to continue his good offices towards the resolution of this issue and to report to the Committee at its thirteenth session.

Recommendation No. 3

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling its role to seek ways and means of facilitating bilateral negotiations for the restitution or return of cultural property,

Aware of the wish of requesting States to resolve the situation in a manner satisfactory to both parties in a timely fashion,

Noting that there are examples of returns of cultural property that were made through either legal adjudication or through bilateral negotiations,

Noting further that there are cases wherein a request for return or restitution was satisfied through either a voluntary gesture by the holder of the cultural property or pursuant to alternative solutions such as exchanges, loans or the making of replicas,

1. *Invites* the UNESCO secretariat to provide the Committee with examples of returns and restitutions upon which a database may be developed and from which the Committee may draw inspiration;

2. *Urges* the UNESCO member States to support this initiative inter alia by providing representative examples of return and restitution to the secretariat;

3. *Invites* the Director-General to provide the necessary human and financial resources to the secretariat to achieve this initiative.

Recommendation No. 4

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling its role to foster public information campaigns on the real nature, scale and scope of the problem of restitution or return of cultural property to its countries of origin,

Concerned by the continuing and increasing illicit traffic in cultural property and the need for a more concerted, multilevel effort to combat this problem,

Aware of the important work of INTERPOL, specialized police forces and customs officers in this fight against illicit trafficking of cultural property,

Noting the importance of having an inventory, and particularly a photograph, of cultural property so that in the event of theft or illicit export the objects may be positively identified,

1. *Invites* the Director-General to examine the possibilities of financing within UNESCO's budget to:

(a) Promote the dissemination of information on the difficult issues of the return and restitution of cultural property;

(b) Promote the implementation of the Object-ID standard, the dissemination of information related thereto, including the maintenance of an Object-ID information web site, and to conduct Object-ID training workshops; and

(c) Promote the International Code of Ethics for Dealers in Cultural Property that was adopted by UNESCO, by inviting the members of the trade in cultural property and their associations, where they exist, to encourage the implementation of this code.

2. *Invites* member States to:

(a) Ensure that police and customs and border services receive special training with regard to the illicit trafficking of cultural property so as best, where applicable, to implement the relevant UNESCO Conventions (first Protocol to the Hague 1954 Convention and 1970 Convention) and UNIDROIT 1995 Convention and other relevant international instruments;

(b) Provide to the Secretariat a regular and comprehensive national report from States parties on the implementation of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 and the first Protocol of the Hague Convention 1954 on the Protection of Cultural Heritage in the Event of Armed Conflict;

(c) Work together with INTERPOL, the World Customs Organization, UNESCO and others to ensure more fruitful cooperation in the fight against illicit trafficking of cultural property and to explore other possible means to achieve this objective;

(d) Make use of the Object-ID standard and, in particular, encourage the photographing of cultural property and, wherever possible, develop more thorough, scientific inventories of cultural property; and

(e) Raise public awareness of the problem of illicit trafficking of cultural property and promote the International Code of Ethics for Dealers in Cultural Property.

Recommendation No. 5

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Considering that law makers, lawyers, customs officers, art and antiquities dealers, especially in the international art market, and private individuals need to consult frequently the laws of a given State with regard to, among other things, importation or exportation of cultural property,

Aware that international availability of national cultural heritage legislation would offer better protection to cultural property,

Noting the urgent need for a centralized database where all such legislation may be consulted,

1. *Invites* the Director-General, while examining the possibilities of financing within UNESCO's budget and through voluntary contributions, to:

(a) Establish and maintain on the UNESCO web site a Legislation Database that includes cultural heritage legislation, including import and export certificates, where provided by the applicable national legislation from all member States, as well as links to their relevant web sites;

(b) Request from all member States their full cooperation in (i) providing their national cultural heritage legislation, together with the necessary authorizations for it to be used, as considered appropriate, by UNESCO; (ii) ensuring that UNESCO always receives the most up-to-date version of this legislation; and (iii) providing their import and export certificates for such cultural property, where provided by the applicable national legislation; and

(c) Provide legal translations of national cultural heritage legislation primarily into French and English, where these have not been provided by the State, then subsequently into other UNESCO official languages, welcoming voluntary contributions for this purpose, for inclusion in the Legislation Database.

Recommendation No. 6

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Considering resolution 27 of the thirtieth session of the UNESCO General Conference inviting the Director-General to establish the Fund of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (hereafter "the Fund") within UNESCO, financed by voluntary contributions and designed to finance specific projects submitted to the Committee,

Recalling the Director-General's 2001 appeal for donations to the Fund,

Appreciating the first financial contribution to the Fund by Greece,

Further considering recommendation No. 4, resulting from the Committee's eleventh session in 2001, inviting the Director-General to define and implement a strategy to promote the Fund,

1. *Invites* UNESCO member States and others to make voluntary donations to the Fund and otherwise promote it in all possible ways;

2. *Invites* the Director-General to place financial and human resources at the disposal of the secretariat responsible to the Committee from the regular UNESCO budget, as well as providing extrabudgetary funds, in order to ensure the effective promotion, management and operation of the Fund;

3. *Invites* the Director-General to prepare an explanatory note on the procedure to be followed for the assessment of the submitted projects pursuant to the Operational Guidelines of the Fund.

Recommendation No. 7

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling Recommendation No. 7, adopted by the Committee at its tenth session, which, among other things, invited the Director-General to convene a working group of experts on the settlement of disputes concerning cultural objects displaced in relation to the Second World War,

Noting that two meetings of experts of category six level (Paris, May 2000 and December 2002, respectively) on this issue have taken place and that the second meeting resulted in the elaboration of non-legally binding Principles on the settlement of such disputes,

Emphasizing that the main aim of the Principles is to facilitate bilateral or multilateral negotiations of the settlement of such disputes and that they are not intended to replace, modify or abrogate bilateral or multilateral agreements in force on this subject,

1. *Takes note* of the report and the Principles resulting from the second meeting of experts;

2. *Expresses* its appreciation for the quality of the report and the Principles and thanks the experts for their valuable work in the elaboration of the Principles;

3. *Invites* the Director-General to communicate the report and the Principles to all UNESCO member States, inviting them to send their observations to the secretariat before the end of 2003, to be then made available in a timely fashion to the Committee for its next session.